

**ASSEMBLY BILL**

**No. 925**

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**Introduced by Assembly Member Saldana**

February 26, 2009

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An act to add Chapter 6.3 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 925, as introduced, Saldana. Recycling: single-use plastic beverage container caps.

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

This bill would define terms and would prohibit a retailer, on and after January 1, 2012, from selling or offering for sale a single-use plastic beverage container with a cap that is not affixed to, or part of, the beverage container. The bill would also prohibit a retailer, on and after that date, from selling or offering for sale a single-use beverage container with a cap, unless the cap is made of a recyclable material, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 6.3 (commencing with Section 42380)
- 2 is added to Part 3 of Division 30 of the Public Resources Code, to
- 3 read:

## CHAPTER 6.3. PLASTIC BEVERAGE CONTAINER CAPS

42380. The Legislature finds and declares all of the following:

(a) The problem of plastic marine debris is increasing in California and in the North Pacific Gyre, which is a swirling vortex of ocean currents comprising most of the northern Pacific Ocean, and where densities of microplastics have tripled during the last decade.

(b) Plastic is the most common type of marine debris, comprising up to 90 percent of floating marine debris.

(c) Plastics are especially harmful to the marine environment due to their nondegradable qualities.

(d) Plastic and plastic packaging waste represent a significant and fast growing component of the state's waste stream and marine debris.

(e) Over 60,000 bottle caps were collected on California beaches during Coastal Cleanup Day in 2005.

(f) An Orange County study estimated that over 88,000 plastic caps and lids litter Orange County beaches.

(g) The increasing problem of marine debris is harmful to marine resources. Marine mammals and seabirds often mistake marine debris such as bottle caps for food. Ingestion of the plastic debris can ultimately lead to malnutrition and starvation.

(h) Plastic and other debris litter our beaches, and represent a threat to California's forty-six billion dollar (\$46,000,000,000) ocean-dependent, tourism-oriented economy and in certain circumstances may pose a public health threat.

(i) California state and local agencies spend millions of dollars per year in litter collection.

(j) The California Coastal Commission's plan of action from the Plastic Debris River to Sea Project recommends that plastic beverage containers be redesigned to eliminate pieces that can become segregated from the beverage container, including lids and caps.

(k) Aluminum can pull tabs, a common form of litter in the 1960s and 1970s, were redesigned to remain connected to the body of the can. As a result, the pull tab litter problem was eliminated.

(l) The Ocean Protection Council passed a resolution on marine debris on February 8, 2007. The resolution calls for an investigation

1 of innovative methods to reduce plastic waste commonly found  
2 in the marine environment.

3 42381. For purposes of this chapter, the following definitions  
4 shall apply:

5 (a) “Beverage” means a liquid, in a ready-to-drink form, that is  
6 intended for human consumption.

7 (b) “Beverage container” means an individual, separate bottle,  
8 can, jar, carton, or other receptacle, however denominated, in which  
9 a beverage is sold, and that is constructed of plastic. “Beverage  
10 container” does not include a cup or other similar open or loosely  
11 sealed receptacle.

12 (c) “Recyclable” means a material that still has useful physical  
13 or chemical properties after serving its original purpose and can,  
14 therefore, be reused or remanufactured into additional products.

15 (d) “Retailer” means a person who sells a beverage in a beverage  
16 container to a consumer.

17 (e) “Single use” means a single-use disposable product used for  
18 serving or transporting a prepared, ready-to-consume beverage.

19 42382. On and after January 1, 2012, a retailer shall not sell  
20 or offer for sale either of the following:

21 (a) A single-use beverage container with a cap that is not affixed  
22 to, or part of, the beverage container.

23 (b) A single-use beverage container with a cap, unless the cap  
24 is made of a recyclable material.